

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants - Revenue Department - Sri Aijaz Hussain, formerly Senior Assistant O/o. SDC, LA, SSP, Wanaparthy (Now retired) - Certain irregularities committed - Charges framed - Explanation - Enquiry Report - Communicated - Explanation - Show Cause Notice Issued - Representation - APPSC Concurrence - Imposing a punishment of 20% cut in pension for a period of one (1) year, besides recovery of Rs.55,575/- Orders - Issued.

REVENUE (VIGILANCE.VII(1) DEPARTMENT

G.O.Rt.No. 1589

Dated:29.10.2013

Read the following:

1. From the Collector, Mahaboobnagar District, Lr.No.A4/8859/2000, dt.10.1.2001.
2. Govt.Memo.No.8682/Vig.VII(1)/2001-7, dt.31.8.2002.
3. From the Dist.Collector, M'nagar Lr.No.A4/8589/2000, Dt.19.4.2004.
4. From the Collector & Dist.Magistrate, Lr.A4/8559/2000, dt.8.3.2010 (enquiry report).
5. Govt.Memo.No.8682/Vig.VII(1)/2001-15, dt.12.1.2011.
6. From the Dist.Collector, M'nagar Lr.Rc.No.A4/8559/2000, Dt.07.03.2011 alongwith the explanation of Sri Ajaz Hussain, formerly Sr. Asst., O/o.SDC, LA, SSP, Wanaparthy (Now retired).
7. From the Dist.Collector, M'nagar Lr.No.A4/8559/2000, dt.26.1.2012 and 22.2.2013.
8. Govt. Lr.No.8682/Vig.VII(1)/2001-2, dt.27.7.2013.
9. From the Secretary I/c, APPSC, Lr.No.1617/RT/3/2010, dt.17.8.2013.

ORDER:-

Whereas it has been brought to the notice of the Government that Sri Aijaz Hussain, while working as Senior Assistant, Office of the Special Deputy Collector, LA, SSP Wanaparthy has committed certain irregularities in making references to the Court u/s 18 of LA Act and the District Collector, Mahabubnagar has initiated disciplinary proceedings and concluded the same by imposing a punishment of 10% cut in pension for a period of five (5) years, besides recovery of 50% pecuniary loss i.e. Rs.56,865/- vide his proceeding dated:28.4.1997. Aggrieved by the said orders, the Charged Officer has filed an appeal before the Chief Commissioner of Land Administration, Hyderabad. The Chief Commissioner of Land Administration has directed the District Collector to refer the matter to Government under rule 9 of Andhra Pradesh Revised Pension Rules, 1980, as the Government is competent to withholding a pension or gratuity or both either in full or in part etc.

2. The District Collector, Mahabubnagar vide reference 1st read above, has furnished proposals to Government to take a decision under rule 9(1) of Andhra Pradesh Revised Pension Rules, 1980, since the penalty imposed by him is not within his competency as the delinquent officer has retired from service on 30.06.1997.

3. Government vide reference 2nd read above, issued orders duly setting side the orders issued by the Collector, Mahaboobnagar imposing 10% cut in pension for a period of five years besides recovery of an amount of Rs.56,865.52/- from the pensionary benefits of the Charged Officer and remanded the case back to District Collector, Mahaboobnagar, who is the

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disciplinary authority in this case, with a request to continue and conclude the disciplinary case by following the procedure laid down in Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and send the report recording his findings. Accordingly, vide reference 3rd read above, the District Collector, Mahaboobnagar have furnished the proposal to the Government under Andhra Pradesh Revised Pension Rules, 1980.

4. In the reference 5th read above, a Show Cause Notice was issued to the Charged Officer proposing a punishment of 20% in pension for a period of one year besides recovery of Rs.1,13,721/- from the retirement benefits of the Charged Officer and directing him to submit his representation on the findings of the Enquiry Report.

5. Sri Aijaz Hussain, formerly Senior Assistant Office of Special Deputy Collector, LA, SSP, Wanaparthi (Now retired) has submitted his explanation vide reference 6th read above, stating that Collector had proposed 10% cut in pension and recovery of Rs.56,865/-, whereas the Government has doubled the cut in pension and recovery of Rs.1,13,721/- which is incorrect, as the Collector has assessed to a tune of Rs.57,715/- sustained loss to Government. . He has stated that there are five persons charged with this excess payment and the total loss is to be distributed among the five officials i.e. (2) Special Deputy Collectors, (1) Special Deputy Tahsildar, Superintendent and (2) Senior Assistant, but the Government is going to recover the total amount from him, leaving the others who made the payment/ deposit second time. He has also stated that as per the District Collector, Mahbubnagar in his letter dated.27.4.1997, 50% loss has already been recovered from Sri Mohd. Mahamood Ali, Senior Assistant, who is responsible for the deposit of the amount 2nd time and again ordering for recovery of Rs.1,13,721/- from him is unjust. He has further stated that there is clear provision u/s 13 (a) of LA Act for recovery of any excess amount or erroneous payment, the District Collector has already started the recovery through sub-ordinate officers under RR Act and already some amount has been recovered from the parties and kept in OSB account of Special Deputy Collector, LA & Reh, SSP, Wanaparthi and the same also mentioned in the District Collector, Mahbubnagar Lr.Dt.14.4.2004 and hence the question of recovery of pecuniary loss sustained by the Government from the officials may not arise. Further, the Enquiry Officer in his report has stated that the total excess payment comes to Rs.83,919/- and out of this total amount, an amount of Rs.56,865/- has already been recovered from Mr.Mohd. Mahamood Ali, Senior Assistant, who is his predecessor and the remaining works out to Rs.27,054/- and therefore the recollection is to be limited to Rs.27,054/- only. He has finally stated that he has not received his pensionary benefits for the last 15 years and requested to reconcile the same and pass appropriate orders by ordering for release of his all pensionary benefits.

6. Government after careful examination of the entire matter, taking into consideration of the representation of Charged Officer, decided to confirm the provisional decision to impose a punishment of 20% cut in pension for a period of one (1) year, besides recovery of Rs.55,575/- Sri Aijaz Hussain, formerly Senior Assistant, Office of the Special Deputy Collector, LA, SSP, Wanaparthi (Now retired). Accordingly, Government hereby order to impose a punishment of 20% cut in pension for a period of one (1) year, besides recovery of Rs.55,575/- Sri Aijaz Hussain, formerly Senior Assistant, Office of the Special Deputy Collector, LA, SSP, Wanaparthi (now retired). A copy of the Andhra Pradesh Public Service Commission concurrence is enclosed herewith.

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The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad/
District Collector, Mahabubnagar is requested to take necessary action
accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Commissioner of Land Administration, AP, Hyderabad.

The District Collector, Mahabubnagar.

Copy to:-

Sri Ajaz Hussain, formerly Sr. Asst., O/o. O/o. SDC, LA, SSP, Wanaparthi
(now retired) through Dist.Collector, Mahabubnagar Dist.(w.e)

The Secretary, APPSC, Hyderabad.

The District Treasury Officer, Mahabubnagar.

Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER